

## AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

## LISTING OF CLAIMS:

1. (Currently amended) A device for use in monitoring ~~a~~ the swab method technique of an operator, comprising:

~~the device includes a~~ first substrate ~~substantially adjacent ;~~

a second substrate ~~disposed adjacent the first substrate~~[,] ; ~~and~~

a test material disposed between the first substrate and the second substrate, the test material containing a predetermined amount of at least one test analyte, having disposed therebetween a test material- such that a swab thrust between the first and second substrate contacts the test material allowing transfer of a portion of the test analyte to the swab.

2. (Cancelled) ~~A device according to claim 1, wherein the test material includes a predetermined amount of test analyte.~~

3. (Currently amended) A device according to claim ~~2~~ 1, wherein the at least one test analyte is selected from the group consisting of ~~includes any one or more of~~ ATP, a protein, ~~either a~~ chemical materials (such as adenosine diphosphate (ADP), adenosine monophosphate (AMP) pyrophosphate (PPi), guanosine triphosphate (GTP), guanosine diphosphate (GDP), guanosine monophosphate (GMP), cytidine triphosphate (CTP), cytidine diphosphate (CDP), cytidine monophosphate (CMP), deoxyribonucleic acid (DNA), ribonucleic acid (RNA), various a minerals (including Ca, Zn, Mg, Mn and Co), a sugars (including lactose, glucose and maltose), a lipids, and a fatty acids, a microbial cell wall, and a cell membrane materials (such as peptidoglycan, teichoic acid and lipopolysaccharides), an enzymes (such as proteases, adenylate kinase, invertase, melibiase, and alkaline phosphatase) and/or a micro organism.

4. (Currently amended) A device according to ~~any preceding~~ claim 1, wherein the test material is protected from the environment contamination prior to use, ~~thereby substantially reducing (or preferably substantially inhibiting) contamination of the test material by the external environment.~~

5. (Currently amended) A device according to ~~any preceding~~ claim 1, wherein the first substrate and the second substrate are sealed together ~~(typically by use of an hermetic bond)~~ substantially at their periphery so as to form a pouch or sachet, the test material ~~preferably~~ being substantially contained in the pouch.

6. (Currently amended) A device according to claim 5, wherein the bond is formed by use a method selected from the group consisting of using an adhesive ~~(such as a polyurethane adhesive), or by means of heat sealing the first substrate and/or the second substrate, or by use of using~~ a pressure sensitive adhesive.

7. (Currently amended) A device according to ~~any preceding~~ claim 1 wherein the first substrate and the second substrate are coextrusion laminated.

8. (Currently amended) A device according to claim 7, wherein ~~the~~ at least one of the first substrate ~~and/or~~ the second substrate are formed from a material selected from the group consisting of ethylene vinyl acetate, ethylene methacrylate or ethylene vinyl alcohol.

9. (Currently amended) A device according to ~~any of~~ claims 1 ~~to 6~~, wherein the first substrate and the second substrate are manufactured from a material selected from the group consisting of metal, ~~including aluminum (such as aluminum foil), or and~~ a plastics material.

10. (Currently amended) A device according to ~~any preceding~~ claim 1, wherein the first substrate and the second substrate are formed from the same sheet of material, ~~preferably the sheet may be folded about a fold line, the fold line forming a sealed edge of the pouch.~~

11. (Currently amended) A device according to ~~any preceding~~ claim 1, wherein the first substrate and the second substrate have respective ~~[[()]]~~ internal ~~[[()]]~~ surfaces which have

different wetting properties, ~~preferably the first substrate has a surface which is hydrophobic and the second substrate has a surface which is hydrophilic such that the surface of the first substrate is more hydrophobic relative to the surface of the second substrate and the surface of the second substrate is more hydrophilic relative to the surface of the first substrate.~~

12. (Currently amended) A device according to claim 11, wherein the test material disposed between the first substrate and the second substrate will preferentially wet the more hydrophilic surface leaving the more hydrophobic surface substantially unwetted.

13. (Currently amended) A device according to claim 11 ~~or 12~~, wherein the test material includes a hydrophilic surface enhancer, ~~such as a detergent~~, which increases the probability of the test material wetting the more hydrophilic surface as opposed to wetting the more hydrophobic surface, ~~preferably the hydrophilic surface enhancers include benzalkonium chloride, benzethonium chloride and chlorhexidine gluconate.~~

14. (Currently amended) A device according to ~~any preceding~~ claim 1, wherein the test material includes a stabilizing agent, ~~such as a chelating agent when the test material includes ATP (the non-enzymic breakdown of ATP is inhibited by chelating divalent cations), (preferably ethylene diamine tetraacetic acid (EDTA)).~~

15. (Currently amended) A device according to claim 14, wherein the stabilizing agent includes a compound which reduces water availability ~~(for example glycerol)~~ therefore improving protein stability when the test material includes a protein.

16. (Currently amended) A device according to claim 14, wherein the stabilizing agent is selected from the group consisting of a chelating agent, includes a quaternary ammonium detergent, a or biguanide, ~~such as a benzethonium chloride or chlorhexidine gluconate~~ when the test material includes a micro-organism.

17. (Currently amended) A device according to ~~any preceding~~ claim 1, ~~suitable for use in monitoring the Swab method in an ATP assay and protein-based hygiene test~~, wherein the test material includes a blend comprising:

Glycerol	50g
Chlorhexidine gluconate	2g
Bovine serum albumin	0.5g
ATP	0.18x10 <sup>-9</sup> g <u>and</u>
De-ionized water	50g.

18. (Currently amended) A device according to claim 17, wherein the test material has a thickness on the first substrate less than about 1 mm, ~~preferably less than about 0.3 mm.~~

19. (Currently amended) A device according to ~~any preceding~~ claim 1, wherein the first substrate includes a first release portion and the second substrate includes a second release portion, each release portion being arranged about a peripheral edge of the respective substrate, ~~preferably~~ the first release portion being substantially not ~~connection~~ connected to the second release portion.

20. (Withdrawn) A method of manufacturing a device, for use in monitoring a swab technique, the method including providing a first substrate, applying a test material to a portion of the first substrate, covering at least the test material on the first substrate with a second substrate, and joining the second substrate to the first substrate so as to encapsulate the test material between the first substrate and the second substrate.

21. (Withdrawn) A method according to claim 20, wherein the test material is applied to the first substrate as a (relatively) dry, localized spot, (which is particularly preferred) or as a homogeneously applied film.

22. (Withdrawn) A method of monitoring a swab technique, which method includes:

- a) providing a device comprising a first substrate substantially adjacent a second substrate, the first substrate and the second substrate having disposed therebetween a test material including a predetermined amount of an analyte;

b) swabbing the test material with a swab; and monitoring the amount of analyte present on the swab in step (b).

23. (Withdrawn) A method according to claim 22, wherein the test material is disposed between the first substrate and the second substrate under aseptic conditions.